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THE HAGUE FOR CLIFF JOHNSON

E.O. 12958: DECL: 11/15/2014

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SUBJECT: EU COUNCIL RESPONSE ON QUINT ICTY DEMARCHE

REF: STATE 241651

Classified By: Rick Holtzapple, PolOff, Reasons 1.4 (B/D)

1. (S/NF) We delivered reftel points to Stefan Lehne of High Rep Solana's office on November 15. Lehne noted that, since this was a Quint initiative and there was no agreed position from the EU at 25, the Council Secretariat could not participate in an external representation of this sort. This was an issue appropriately handled by the five governments alone (he also did not think it would be appropriate to include the Dutch EU Presidency).

2. (S/NF) Lehne agreed the points generally reflected the Quint agreement. He added that del Ponte had stated quite clearly in her meetings in Brussels at the beginning of November that the Haradinaj indictment would be sealed. Lehne also said that the call for del Ponte to give the Quint "more time and warning" in order to prepare for reactions in Kosovo was a better approach than the option discussed among the Quint of simply urging a delay of the indictment for as long as possible. Lehne said UNMIK SRSG Jessen-Petersen had told Solana on Nov. 11 that it might be better to deliver the indictment earlier and avoid the destabilizing impact of continued rumor and uncertainty. Lehne urged the USG to discuss assessment of the situation with Jessen-Petersen.

3. (S/NF) Lehne was also very appreciative of the suggested points for use with Haradinaj. Solana has received letters from both Haradinaj and Rexhepi about the pending indictment, and Lehne said he would use the suggested Quint points as a model for drafting Solana's replies.

SCHNABEL